

# BID OPENING

CITY OF SAN JOSE  
OFFICE OF THE CITY CLERK

RECEIVED  
City Clerk San Jose City Clerk  
Time Stamp  
2009 JUL 30 P 2:52

TOTAL BASE BID 8,017,777.00

ALT NO. 1 \_\_\_\_\_

ALT NO. 2 \_\_\_\_\_

ALT NO. 3 \_\_\_\_\_

Alt No. 4 \_\_\_\_\_

Alt No. 5 \_\_\_\_\_

BID DATE: Thursday, July 30, 2009

Project Manager: Amanda Lei – 277-5516  
Amado Valdez – 277-3688  
Ricardo Morales – 277-8149

**SAN JOSE VARIOUS STREETS RESURFACING & REHABILITATION  
PROJECT FEDERAL PROJ NO. ESPL – 5005 (096)**

BIDDER NAME: MCK Services Inc.

Bond ☒ Cashier's Check \_\_\_\_\_

Addendums Included (5)

NonCollusion Affidavit

YES ☒ NO \_\_\_\_\_

YES ☒ NO \_\_\_\_\_

# **BID DOCUMENTS**

# **PROPOSAL**

TO CITY OF SAN JOSE

FOR

## **SAN JOSE VARIOUS STREETS RESURFACING AND REHABILITATION PROJECT**

Name of Bidder: MCK Services Inc.

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Transportation on April 21, 2009, entitled San Jose Various Streets Resurfacing and Rehabilitation Project and the Specifications approved by the Director of Transportation on April 21, 2009, entitled San Jose Various Streets Resurfacing and Rehabilitation Project on file in the office of the Director of Transportation of the City of San Jose at 1404 Mabury Road, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Transportation, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Transportation, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Transportation as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefore the following price or unit prices as shown in the Schedule of Quantities on page(s) 1A, 1B, 1C, and 1D.

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A list of subcontractors for work over one half of one percent, if any, the address of each subcontractor and the description of work to be done by each subcontractor.
3. A statement of financial responsibility, technical ability, and experience if such information is not already on file with the City.

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.

**SCHEDULE OF QUANTITIES  
FOR  
SAN JOSE VARIOUS STREETS  
RESURFACING AND REHABILITATION PROJECT**

Item	Spec. Section	Description	Unit	Quantity	UNIT Cost	Extension
1	10-2	Storm Water Pollution Prevention Plan	LS	1	400	400
2	11-2	Movable Project Information Sign (Revocable) City to provide signs	EA	26	100-	2600-
3	11-3	Portable Changeable Message Sign (Revocable)	EA	10	2800-	28,000-
4	12-3	Reserve Police Officer for Traffic Control (\$49.00 per hour, Revocable)	HR	1,500	\$49.00	73,500.00
5	15-3	Adjust Water Valve to Grade (Revocable)	EA	273	245-	66,885-
6	15-3	Lower and Adjust Water Valve to Grade (Revocable)	EA	50	410-	20,500-
7	15-3	Adjust Manhole to Grade (Standard, Revocable)	EA	351	445	156,195-
8	15-3	Lower and Adjust Manhole to Grade (Standard, Revocable)	EA	72	710-	51,120-
9	15-3	Adjust Manhole to Grade (Large)	EA	12	445-	5340-
10	15-3	Lower and Adjust Manhole to Grade (Large)	EA	2	950	1900-
11	15-4	Remove and Replace Chatter Bars	EA	221	25-	5525-
12	19-2	Gutter / Wedge Cut	LF	94,019	0.50	47,009.50
13	19-2	Conform Cut	SF	46,590	0.22	10,249.80
14	19-2	Cold Plane 0.25'	SF	386,000	0.15	57,900 -
15	19-2	AC Removal from Gutter Pan, Willow Street (Revocable)	LF	4,000	0.60	2400.00
16	20-2	Polyethylene Root Barrier (2' Deep, Revocable)	LF	1,000	16.00	16,000-
17	39-2	AC Rubberized - Type G (In Place)	TON	43,275	99.00	4,284,225 <sup>00</sup>
18	39-3	Asphalt Rubber Chip Seal (SAMI-R)	SY	46,000	5.12	235,520-

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RESURFACING AND REHABILITATION PROJECT**

Item	Spec. Section	Description	Unit	Quantity	UNIT Cost	Extension
19	39-4	Remove and Replace 6" AC Pavement	SY	44,749	30.66	1,372,004. <sup>34</sup>
20	39-5	Crack Filler	TON	11	2272	24,992
21	39-6	Compensation Adjustment for Price Index Fluctuations for Paving Asphalt (Binder)	CA	1	\$150,000.00	\$150,000.00
22	73-2	Remove and Replace PCC Curb and Gutter Type A2 (Include Base, Revocable)	LF	5,602	36.00	201,672. <sup>00</sup>
23	73-2	Remove and Replace PCC Curb and Gutter Type A1-B3 (Include Base, Revocable)	LF	200	12.00	2400
24	73-3	Remove and Replace PCC Driveway (Include Base, Revocable)	SF	1,048	12.00	12,576
25	73-3.1	New PCC Wheelchair Ramp with Detectable Warning (R-10, R11) (Include Base, Revocable)	EA	31	2150	66,650
26	73-3.2	PCC Wheelchair Ramp Modified with Detectable Warning (Include Base, Revocable)	SF	3,300	14.00	46,200
27	73-3.3	Remove and Replace PCC Wheelchair Ramp with Tactile Dome (Include Base, Revocable)	EA	154	2100	323,400
28	73-3.3	Retrofit Existing PCC Wheelchair Ramp with Tactile Dome (Revocable)	EA	65	400	26,000
29	73-3.3	Retrofit Porkchop Island Walkway with Tactile Dome (Revocable)	SF	300	36.00	10,800
30	73-7	Construct New PCC Bus Pad With Aggregate Base (Revocable)	SF	6,358	18.00	114,444
31	81-2	Adjust Survey Monument Box to Grade (Revocable)	EA	52	245	12,740
32	81-2	Remove and Replace Existing Survey Monument, Box Frame and Cover (Revocable)	EA	12	650	7800
33	84-2.8	Grinding Existing Thermoplastic Pavement Striping (Revocable)	LF	30,000	0.25	7500
34	84-2.8	Grinding Existing Thermoplastic Pavement Marking (Revocable)	SF	900	2.00	1,800
35	84-2.8	Install Type A or AY Raised Pavement Markers (Revocable)	EA	4,730	2.00	9460
36	84-2.8	Install Type B,C,D,G,H or Blue Raised Pavement Markers (Revocable)	EA	4,142	3.00	12,426

**SCHEDULE OF QUANTITIES  
FOR  
SAN JOSE VARIOUS STREETS  
RESURFACING AND REHABILITATION PROJECT**

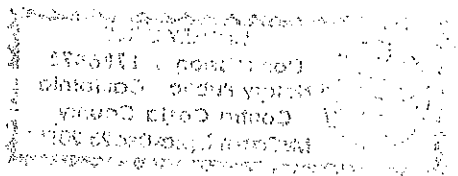
Item	Spec. Section	Description	Unit	Quantity	UNIT Cost	Extension
37	84-2.8	Remove Existing Raised Pavement Markers (Revocable)	EA	9,452	0.25	2363.00
38	84-2.8	Thermoplastic: Double Yellow Stripe (Revocable)	LF	19,556	0.70	13,689.20
39	84-2.8	Thermoplastic: 4" Solid Yellow Stripe (Revocable)	LF	25,500	0.35	8925
40	84-2.8	Thermoplastic: 4" Broken White Stripe (Revocable)	LF	73,000	0.25	18,250
41	84-2.8	Thermoplastic: 4" Solid White Stripe (Revocable)	LF	13,989	0.35	4896.15
42	84-2.8	Thermoplastic: 6" Solid White Stripe (Revocable)	LF	30,200	0.50	15,100
43	84-2.8	Thermoplastic: 6" Broken White Stripe (Revocable)	LF	14,000	0.40	5600
44	84-2.8	Thermoplastic: 8" Solid White Stripe (Revocable)	LF	2,084	0.90	1875.60
45	84-2.8	Thermoplastic: 12" Solid Yellow Stripe (Revocable)	LF	3,812	2.00	7624
46	84-2.8	Thermoplastic: 12" Solid White Stripe (Revocable)	LF	9,316	2.00	18,632
47	84-2.8	Thermoplastic: Two way left turn striping, Detail 32 (Revocable)	LF	5,610	0.65	3646.50
48	84-2.8	Thermoplastic: Traffic Marking - Left or Right Arrow (Revocable)	EA	175	50	8750
49	84-2.8	Thermoplastic: Traffic Marking - Merge Arrow (Revocable)	EA	8	145	1160
50	84-2.8	Thermoplastic: Traffic Marking - Bike Lane & Arrow Message (Revocable)	EA	85	35	2975
51	84-2.8	Thermoplastic: Traffic Marking - Slow School Xing Message (Revocable)	EA	3	250	750
52	84-2.8	Thermoplastic: Traffic Marking - Stop Message (Revocable)	EA	46	85	3910
53	84-2.8	Thermoplastic: Traffic Marking - Stop Ahead Message (Revocable)	EA	2	180	360
54	84-2.8	Thermoplastic: Traffic Marking - Straight left Arrow Message (Revocable)	EA	3	65	195



**SCHEDULE OF QUANTITIES  
FOR  
SAN JOSE VARIOUS STREETS  
RESURFACING AND REHABILITATION PROJECT**

Item	Spec. Section	Description	Unit	Quantity	UNIT Cost	Extension
55	84-2.8	Thermoplastic: Traffic Marking - Straight Arrow (Revocable)	EA	2	40.50	81'
56	84-2.8	Thermoplastic: Traffic Marking - Only Message (Revocable)	EA	2	85	170'
57	84-2.8	Thermoplastic: Traffic Marking - Pedestrian Xing (Revocable)	EA	5	125	625'
58	86-5.01A	Type C (6' x 30') Detector Loop Replacement in AC	EA	153	565	86,445'
59	86-5.01A	Type Q (6' x 6') Detector Loop Replacement in AC	EA	43	245	10,535'
60	88-1	Paving Mat Interlayer	SY	241,157	1.63	393,085.91

TOTAL = 8,077,777.00



# NONCOLLUSION AFFIDAVIT

Project Title: San Jose Various Streets Resurfacing and Rehabilitation Project

Mark Hazen, MCK Services Inc., being first duly sworn, deposes and says that  
(print name of Company)

he/she is the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on July 23, 2009

MCK Services Inc.

Legal Company Name

Corporation

Indicate Type of Entity: Sole Proprietorship,

Partnership (General/Limited Partners),

Corporation, Joint Venture, etc.

City Business Lic. No.: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

State Contractor Lic. No.: 782116

Classification: A, C-12, C-32

Expiration Date: 8/31/10

Federal I. D. No.: 68-0403201

Address: P.O. Box 5697

Concord, CA. 94524

By: Mark Hazen

Telephone: (925) 957-9200

Title: President

\*\*\*\*\*NOTARY

On July 23, 2009 before me, Lindsey Little, Notary Public, personally appeared  
(name and title of officer)

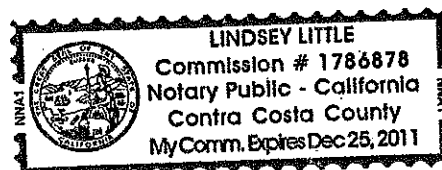
Mark Hazen

, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal, subscribed and sworn to before me.

Signature Lindsey Little  
(Notary Public)

(Seal)



## **BIDDER'S BOND**

KNOW ALL PERSONS BY THESE PRESENTS:

MCK Services, Inc.

That we, Fidelity and Deposit Company of Maryland as PRINCIPAL, and Fidelity and Deposit Company of Maryland, a corporation duly organized under the laws of the State of Maryland and duly licensed to become sole surety on bonds required or authorized by the State of California, as SURETY, are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of San Jose, for the work described below; for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of Ten Percent of Total Amount Bid DOLLARS (\$10% of Bid).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Office of the City Clerk, of the City of San Jose, at City Hall, 200 E. Santa Clara Street, 2<sup>nd</sup> Floor, Wing, San Jose, California on June 23, 2009 for San Jose Various Streets Resurfacing and Rehabilitation Project.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligor and judgement is recovered, the Surety shall pay all costs incurred by the Obligor in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 20th  
day of July, 2009.

PRINCIPAL

SURETY

MCK Services, Inc.

Fidelity and Deposit Company of Maryland

Legal Company Name

Legal Company Name

Indicate Type of Entity

Corporation

David G. Harris, Attorney-in-Fact

By

Title:

Mark Hazen, President

By

Title:

By

Title:

By

Title:

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

**Power of Attorney**  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Stephanie WORDEN, David G. HARRIS, Jennifer E. DIRKING and Kimberley ROMAN, all of Walnut Creek, California, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons.** This power of attorney revokes that issued on behalf of Carolyn EMERY, Stephanie WORDEN, Robin P. NEWMAN, David G. HARRIS, dated April 23, 2003.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 1st day of February, A.D. 2007.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Eric D. Barnes*

By:

*William J. Mills*

*Eric D. Barnes*

*Assistant Secretary*

*William J. Mills*

*Vice President*

State of Maryland }  
City of Baltimore } ss:

On this 1st day of February, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Constance A. Dunn*

*Constance A. Dunn*

*Notary Public*

My Commission Expires: July 14, 2011

## EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

### CERTIFICATE

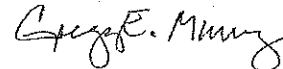
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 20<sup>th</sup> day of July, 2009.



Assistant Secretary

## ACKNOWLEDGMENT

State of California  
County of Contra Costa )

On July 20, 2009 before me, Jennifer E. Dirking, Notary Public  
(insert name and title of the officer)

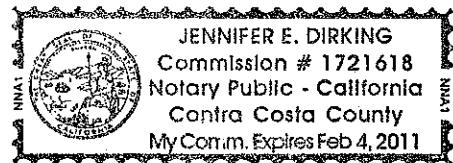
personally appeared David G. Harris  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies); and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Jennifer E. Dirking (Seal)



# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Contra Costa

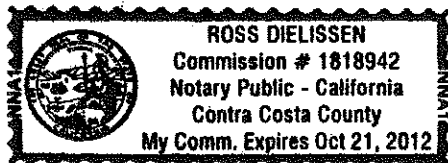
On 07/22/2009  
Date

before me,

Ross Dielissen (Notary Public)  
Here Insert Name and Title of the Officer

personally appeared

Mark Hazen  
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature

Signature of Notary Public

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: City of San Jose - Bid Bond

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here



## **STATEMENT OF BIDDER'S EXPERIENCE**

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

**PROJECT NAME**

**AGENCY/ENTITY**

**CONTRACT AMOUNT**

See attached Technical Ability  
and Experience Statement

Project Title: San Jose Various Streets Resurfacing and Rehabilitation Project

Federal Project No: \_\_\_\_\_

# **BIDDER'S LIST OF SUBCONTRACTORS (DBE and NON-DBE)-PART I**

The bidder shall list all subcontractors (both DBE and non-DBE) in accordance with Section 2-105.4 of the Caltrans' Standard Specifications and per Title 49, Section 26.11 of the Code of Federal Regulations. This listing is required in addition to listing DBE Subcontractors elsewhere in the proposal. Photocopy this form for additional firms.

Firm Name/ Address/ City, State, ZIP	Phone/ Fax	Annual Gross Receipts	Description of Portion of Work to be Performed	Local Agency User Only (Certified DBE)
<i>Name:</i> Intl. Surfacing Systems <i>Address:</i> PO Box 4770 <i>City/State/ZIP:</i> Modesto CA 95352	<i>Phone:</i> 209-525-9065 <i>Fax:</i> 209-525-9062	<input type="checkbox"/> <\$1 million <input type="checkbox"/> <\$5 million <input type="checkbox"/> <\$10 million <input type="checkbox"/> <\$15 million <input checked="" type="checkbox"/> >\$15 million	rubber chip seal	<input type="checkbox"/> YES <input type="checkbox"/> NO (If YES, DBE %) 0
<i>Name:</i> San Jose Signal Elec. Contr. <i>Address:</i> PO Box 611525 <i>City/State/ZIP:</i> San Jose CA 95161	<i>Phone:</i> 408-929-4900 <i>Fax:</i> 408-929-4905	<input type="checkbox"/> <\$1 million <input type="checkbox"/> <\$5 million <input checked="" type="checkbox"/> <\$10 million <input type="checkbox"/> <\$15 million <input type="checkbox"/> >\$15 million	signal loops	<input type="checkbox"/> YES <input type="checkbox"/> NO (If YES, DBE %) 0
<i>Name:</i> SPIRIT ROAD OILS <i>Address:</i> 116440 Vineyard Blvd <i>City/State/ZIP:</i> Morgan Hill, CA 95037	<i>Phone:</i> 408-465-2276 <i>Fax:</i> 408-465-2280	<input type="checkbox"/> <\$1 million <input type="checkbox"/> <\$5 million <input type="checkbox"/> <\$10 million <input type="checkbox"/> <\$15 million <input checked="" type="checkbox"/> >\$15 million	paving fabric	<input type="checkbox"/> YES <input type="checkbox"/> NO (If YES, DBE %) 0
<i>Name:</i> JD PARTNERS CONCRETE <i>Address:</i> _____ <i>City/State/ZIP:</i> Pleasanton, CA 94566	<i>Phone:</i> 510-714-7551 <i>Fax:</i> 925-340-8855	<input type="checkbox"/> <\$1 million <input checked="" type="checkbox"/> <\$5 million <input type="checkbox"/> <\$10 million <input type="checkbox"/> <\$15 million <input type="checkbox"/> >\$15 million	concrete work	<input type="checkbox"/> YES <input type="checkbox"/> NO (If YES, DBE %) 0

Distribution: 1) Original - Local Agency File

Project Title: San Jose Various Streets Resurfacing and Rehabilitation Project

Federal Project No: \_\_\_\_\_

**BIDDER'S LIST OF SUBCONTRACTORS (DBE and NON-DBE)- PART I**

The bidder shall list all subcontractors (both DBE and non-DBE) in accordance with Section 2-1105.4 of the Caltrans' Standard Specifications and per Title 49, Section 26.11 of the Code of Federal Regulations. This listing is required in addition to listing DBE Subcontractors elsewhere in the proposal. Photocopy this form for additional firms.

Firm Name/ Address/ City, State, ZIP	Phone/ Fax	Annual Gross Receipts	Description of Portion of Work to be Performed	Usual Source of Use Only (Completed by DBE)
Names: Union City Construction Address: 90 Box 3277 City, State, ZIP: Fremont CA 94539	Phone: 510 1262 Fax: 510 441 1263	<input type="checkbox"/> < \$1 million <input checked="" type="checkbox"/> < \$5 million <input type="checkbox"/> < \$10 million <input type="checkbox"/> < \$15 million <input type="checkbox"/> > \$15 million	adjust utilities	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If NO, explain below)
Names: Linear Options Address: 17 Kelly Court City, State, ZIP: Menlo Park CA 94025	Phone: 650 833-1800 Fax: 650 833-1819	<input type="checkbox"/> < \$1 million <input type="checkbox"/> < \$5 million <input checked="" type="checkbox"/> < \$10 million <input type="checkbox"/> < \$15 million <input type="checkbox"/> > \$15 million	striping	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If NO, explain below)
Names:  Address:  City, State, ZIP:	Phone:  Fax:	<input type="checkbox"/> < \$1 million <input type="checkbox"/> < \$5 million <input type="checkbox"/> < \$10 million <input type="checkbox"/> < \$15 million <input type="checkbox"/> > \$15 million		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If NO, explain below)
Names:  Address:  City, State, ZIP:	Phone:  Fax:	<input type="checkbox"/> < \$1 million <input type="checkbox"/> < \$5 million <input type="checkbox"/> < \$10 million <input type="checkbox"/> < \$15 million <input type="checkbox"/> > \$15 million		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If NO, explain below)

Distribution: 1) Original, Local Agency File

**MCK Services, Inc.**  
**P.O. Box 5697**  
**Concord, CA 94524**  
**925/957-9200 phone 925/957-9292 fax**

**Technical Ability and Experience Statement**

City of Martinez  
Alhambra Avenue Paving Project  
Contact: Joe Enke, 925/372-3500  
Contract Price: \$559,343  
Completed: July, 2009

City of Orinda  
2008-2009 Pavement Rehabilitation  
Contact: Greg Jacobs, 925/254-9525  
Contract Price: \$837,153  
Completed: June, 2009

Town of Danville  
2007-08 Pavement Rehabilitation  
Contact: Andy Mack, 925/314-3339  
Contract Price: \$967,917  
Completed: November, 2008

City of Brentwood  
2008 Pavement Management Program  
Contact: Anthony Salam, 925/516-5420  
Contract Price: \$712,169  
Completed: August, 2008

City of Orinda  
2007-2008 Pavement Reconstruction  
Contact: Greg Jacobs, 925/254-9525  
Contract Price: \$912,175  
Completed: June, 2008

City of Hercules  
Pavement Resurfacing & Rehabilitation  
Contact: Jeff Brown, 510/799-8252  
Contract Price: \$1,000,000  
Completed: March, 2008

## **Technical Ability and Experience Statement**

**(continued)**

City of Antioch  
Sierra Crete Roadway Repairs Project  
Contact: Ahmed Abu-Ali, 925/779-7050  
Contract Price: \$5,554,000  
Completed: February, 2008

City of El Cerrito  
2007 Street Resurfacing Program  
Contact: Gerardo Avila, 510/233-5401  
Contract Price: \$1,100,000  
Completed: January, 2008

City of San Ramon  
2005/2006 Pavement Management Project, Phase I  
Contact: Peter Phoon, 925/973-2675  
Contract Price: \$849,250  
Completed: December, 2007

City of Pittsburg  
Leland Avenue Pavement Rehabilitation  
Contact: Sha Azari, 925/252-4930  
Contract Price: \$1,279,725  
Completed: November, 2007

Town of Danville  
2006-2007 Pavement Rehabilitation  
Contact: Andy Mack, 925/314-3339  
Contract Price: \$708,582  
Completed: May, 2007

CalTrans  
Asphalt Concrete Resurfacing, Highway 37 in Novato  
Contact: Hal Streater, 707/781-2640  
Contract Price: \$2,496,645  
Completed: January, 2007

## **Technical Ability and Experience Statement**

**(continued)**

City of Lafayette

Mt. Diablo Blvd Overlay

Contact: Matt Luttropp, 925/299-3247

Contract Price: \$776,000

Completed: December, 2006

City of Clayton

2006 Pavement Rehabilitation

Contact: Dan Chilson, 925/672-9700

Contract Price: \$1,284,690

Completed: November, 2006

City of Martinez

Alhambra Avenue Paving Project

Contact: Joe Enke, 925/372-3500

Contract Price: \$670,000

Completed: June, 2006

CalTrans

Asphalt Concrete Resurfacing, Highway 4 in Antioch

Contact: Asghar Rezaei, 925/957-2152

Contract Price: \$4,111,505

Completed: January, 2006

City of Lafayette

2005 Pavement Management Project

Contact: Michael Moran, 925/299-3245

Contract Price: \$620,060

Completed: July, 2005

Alameda County Public Works Dept.

Tesla Road Bike Lanes and Traffic Signal System

Contact: Syed Zaidi, 510/670-5450

Contract Price: \$416,985

Completed: April, 2005

Project Title: San Jose Various Streets Resurfacing and Rehabilitation Project

Federal Project No: \_\_\_\_\_

### BIDDER'S LIST OF SUBCONTRACTORS (DBE and NON-DBE)- PART II

The bidder shall list all subcontractors who provided a quote or bid but were not selected to participate as a subcontractor on this project. This is required for compliance with Title 49, Section 26 of the Code of Federal Regulations. Photocopy this form for additional firms.

Firm Name/ Address/ City, State, ZIP		Phone/ Fax	Annual Gross Receipts	Description of Portion of Work to be Performed	Total Available DBE Only (Certified DBE %)
Name	Phone		<input type="checkbox"/> < \$1 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
Address	Fax		<input type="checkbox"/> < \$5 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
City, State, ZIP			<input type="checkbox"/> < \$10 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> < \$15 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> > \$15 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
Name	Phone		<input type="checkbox"/> < \$1 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
Address	Fax		<input type="checkbox"/> < \$5 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
City, State, ZIP			<input type="checkbox"/> < \$10 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> < \$15 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> > \$15 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
Name	Phone		<input type="checkbox"/> < \$1 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
Address	Fax		<input type="checkbox"/> < \$5 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
City, State, ZIP			<input type="checkbox"/> < \$10 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> < \$15 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> > \$15 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
Name	Phone		<input type="checkbox"/> < \$1 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
Address	Fax		<input type="checkbox"/> < \$5 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
City, State, ZIP			<input type="checkbox"/> < \$10 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> < \$15 million		<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> > \$15 million		<input type="checkbox"/> YES <input type="checkbox"/> NO

Distribution: 1 Original - Local Agency File

**Project Title:** San Jose Various Streets Resurfacing and Rehabilitation Project

**Federal Project No:** ESPL-5005(096)

**EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION**

(The bidder's execution on the signature portion of this proposal shall also constitute an endorsement and execution of those certifications which are a part of this proposal)

The bidder ✓, proposed subcontractor \_\_\_\_\_, hereby certifies that he has \_\_\_\_\_, has not ✓, participated in a previous contract or subcontract subject to the equal opportunity clauses, as required by Executive Orders 10925, 11114, or 11246, and that, where required, he has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

**Note:** The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7(b) (1)), and must be submitted by bidders and proposed subcontractors only in connection with contracts and subcontracts, which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of \$10,000 or under are exempt.)

Currently, Standard Form 100 (EEO-1) is the only report required by the Executive Orders or their implementing regulations.

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.7(b) (1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

Signature

Mark Horzen, President

Title:

MCK Services Inc.

Legal Company Name:

Notes: Providing false information may result in criminal prosecution or administrative sanctions.



**Project Title:** San Jose Various Streets Resurfacing and Rehabilitation Project

**Federal Project No:** ESPL-5005(096)

**DEBARMENT AND SUSPENSION CERTIFICATION**

**TITLE 49, CODE OF FEDERAL REGULATIONS, PART 29**

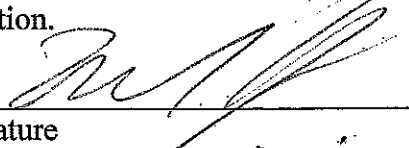
The bidder, under penalty of perjury, certifies that, except as noted below, he/she or any other person associated therewith in the capacity of owner, partner, director, officer, and manager:

- Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
- Has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years;
- Does not have a proposed debarment pending; and
- Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

If there are any exceptions to this certification, insert the exceptions in the following space.

~~\_\_\_\_\_~~

Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

  
Signature

Mark Hazen, President

Title:

MCK Services Inc.

Legal Company Name:

Notes: Providing false information may result in criminal prosecution or administrative sanctions. The above certification is part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this Certification.

**Project Title:** San Jose Various Streets Resurfacing and Rehabilitation Project  
**Federal Project No:** ESPL-5005(096)

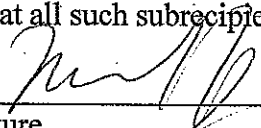
**NONLOBBYING CERTIFICATION**  
**FOR FEDERAL-AID CONTRACTS**

The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

  
\_\_\_\_\_  
Signature

Mark Hazen, President

Title:

MCK Services Inc.

Legal Company Name:

Notes: Providing false information may result in criminal prosecution or administrative sanctions.

Project Title: San Jose Various Streets Resurfacing and Rehabilitation Project  
Federal Project No: ESPL-5005(096)

### DISCLOSURE OF LOBBYING ACTIVITIES

COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT TO 31 U.S.C. 1352

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. Report Type:</b> <input type="checkbox"/> a. initial <input type="checkbox"/> b. material change  <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____			
<b>4. Name and Address of Reporting Entity</b> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known  Congressional District, if known			<b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b>  Congressional District, if known		
<b>6. Federal Department/Agency:</b>			<b>7. Federal Program Name/Description:</b>  CFDA Number, if applicable _____		
<b>8. Federal Action Number, if known:</b>			<b>9. Award Amount, if known:</b>		
<b>10. a. Name and Address of Lobby Entity</b> (If individual, last name, first name, MI)  (attach Continuation Sheet(s) if necessary)			<b>b. Individuals Performing Services</b> (including address if different from No. 10a) (last name, first name, MI)  (attach Continuation Sheet(s) if necessary)		
<b>11. Amount of Payment (check all that apply)</b> \$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned			<b>13. Type of Payment (check all that apply)</b> <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other, specify _____		
<b>12. Form of Payment (check all that apply):</b> <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind; specify: nature _____ value _____					
<b>14. Brief Description of Services Performed or to be performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted, for Payment Indicated in Item 11:</b>  (attach Continuation Sheet(s) if necessary)					
<b>15. Continuation Sheet(s) attached:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>					
<b>16. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying reliance was placed by the tier above when his transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b>					
			Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____		
<b>Federal Use Only:</b>			Authorized for Local Reproduction Standard Form - LLL		

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

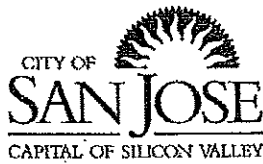
This disclosure form shall be completed by the reporting entity, whether subawardee or prime federal recipient, at the initiation or receipt of covered federal action or a material change to previous filing pursuant to title 31 U.S.C. Section 1352. The filing of a form is required for such payment or agreement to make payment to lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress an officer or employee of Congress or an employee of a Member of Congress in connection with a covered federal action. Attach a continuation sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered federal action for which lobbying activity is and/or has been secured to influence, the outcome of a covered federal action.
2. Identify the status of the covered federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last, previously submitted report by this reporting entity for this covered federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District if known. Check the appropriate classification of the reporting entity that designates if it is or expects to be a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the first tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in Item 4 checks "Subawardee" then enter the full name, address, city, State and zip code of the prime federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organization level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the federal program name or description for the covered federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans and loan commitments.
8. Enter the most appropriate federal identifying number available for the federal action identification in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract grant. or loan award number, the application/proposal control number assigned by the federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered federal action where there has been an award or loan commitment by the Federal agency, enter the federal amount of the award/loan commitments for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influenced the covered federal action.  
(b) Enter the full names of the individual(s) performing services and include full address if different from 10 (a). Enter Last Name, First Name and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made

(actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed or will be expected to perform and the date(s) of any services rendered. Include all preparatory and related activity not just time spent in actual contact with federal officials. Identify the federal officer(s) or employee(s) contacted or the officer(s) employee(s) or Member(s) of Congress that were contacted.
15. Check whether or not a continuation sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name title and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.



*Department of Transportation*

July 09, 2009

**ADDENDUM No. 1**  
**For the**  
**SAN JOSE VARIOUS STREETS**  
**RESURFACING AND REHABILITATION PROJECT**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made to, and incorporated into the Plans and Specifications for the above project.

**CHANGES IN PROJECT PLANS & SPECIFICATIONS:**


- 1- On SAN JOSE VARIOUS STREETS RESURFACING AND REHABILITATION PROJECT Specifications, Notice to Bidders, page 6, Pre-Bid Meeting paragraph shall say:**

A pre-bid meeting for this project will be held on **Tuesday, July 14, 2009 at 11:00 am** at the **City of San Jose's Mabury Corporation Yard located at 1404 Mabury Road, 2nd floor of main building, San Jose, 95133.** Attendance at the pre-bid meeting is not mandatory.

**INSTRUCTIONS:**

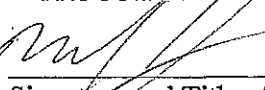
The **bidder must sign this addendum** in the space provided below and **return one signed copy with the bid.** Failure to return the signed copy with the bid document shall not relieve the bidder of the obligations to include this addendum to the bid proposal.

APPROVED BY:

  
DALE L. DAPP  
Pavement Services  
Program Manager

MCK Services Inc.

Bidder's Name

 Mark Hazen  
Signature and Title of Bidder President

7/23/09

Date

July 13, 2009

**ADDENDUM No. 2  
For the  
SAN JOSE VARIOUS STREETS  
RESURFACING AND REHABILITATION PROJECT**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made to, and incorporated into the Plans and Specifications for the above project.

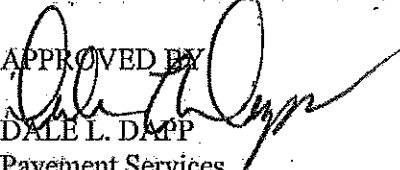
**CHANGES IN PROJECT PLANS & SPECIFICATIONS:**

- 1- On SAN JOSE VARIOUS STREETS RESURFACING AND  
REHABILITATION PROJECT Specifications, Appendix B, Location Maps,  
page 286.**

**Delete page 286 Showing map of "Calero Avenue"**

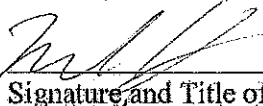
**INSTRUCTIONS:**

The **bidder must sign this addendum** in the space provided below and **return one signed copy with the bid**. Failure to return the signed copy with the bid document shall not relieve the bidder of the obligations to include this addendum to the bid proposal.

APPROVED BY  
  
DALE L. DAPP  
Pavement Services  
Program Manager

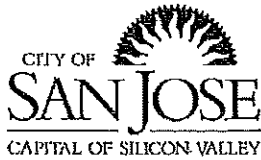
MCK Services Inc.

Bidder's Name

 Mark Hazen,  
Signature and Title of Bidder President

7/23/09

Date



*Department of Transportation*

July 24, 2009

**ADDENDUM No. 3  
For the  
SAN JOSE VARIOUS STREETS  
RESURFACING AND REHABILITATION PROJECT**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made to, and incorporated into the Plans and Specifications for the above project.

**CHANGES IN PROJECT PLANS & SPECIFICATIONS:**


**1- On SAN JOSE VARIOUS STREETS RESURFACING AND  
REHABILITATION PROJECT Specifications, Notice to Bidders, page 5,  
FILING OF BIDS paragraph shall say:**

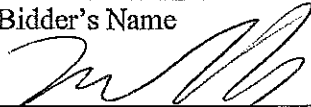
All proposals must be filed with the City Clerk of the City of San Jose, City Hall, 200 E. Santa Clara Street, Wing, 2nd Floor, San Jose, CA 95113, on or before 3:00 p.m. **Thursday, July 30, 2009** as set forth in the specifications. The City Clerk will publicly open and declare the aggregate bid of each bidder, at his/her office at 3:00 p.m.

**INSTRUCTIONS:**

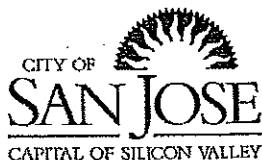
The **bidder must sign this addendum** in the space provided below and **return one signed copy with the bid**. Failure to return the signed copy with the bid document shall not relieve the bidder of the obligations to include this addendum to the bid proposal.

APPROVED BY:

  
Kevin O'Connor  
Deputy Director  
Department of Transportation

MCK Services Inc.  
Bidder's Name  
  
Signature and Title of Bidder  
7/30/09  
Date





*Department of Transportation*

July 27, 2009

**ADDENDUM No. 4  
For the  
SAN JOSE VARIOUS STREETS  
RESURFACING AND REHABILITATION PROJECT**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made to, and incorporated into the Plans and Specifications for the above project.

**CHANGES IN PROJECT PLANS & SPECIFICATIONS:**

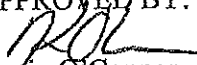
**1- On SAN JOSE VARIOUS STREETS RESURFACING AND  
REHABILITATION PROJECT Specifications (see attachment).**

**Replace Section 88 Engineering Fabrics, as shown on pages 253, 254, 255, 256  
with the attached Section 88 Engineering Fabrics.**

**INSTRUCTIONS:**

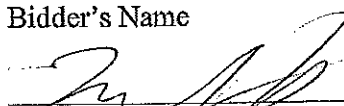
The **bidder must sign this addendum** in the space provided below and **return one signed copy with the bid**. Failure to return the signed copy with the bid document shall not relieve the bidder of the obligations to include this addendum to the bid proposal.

APPROVED BY:

  
Kevin O'Connor  
Deputy Director  
Department of Transportation

MCK Services Inc.

Bidder's Name

  
Signature and Title of Bidder

7/30/09  
Date



*Department of Transportation*

July 28, 2009

**ADDENDUM No. 5  
For the  
SAN JOSE VARIOUS STREETS  
RESURFACING AND REHABILITATION PROJECT**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made to, and incorporated into the Plans and Specifications for the above project.

**CHANGES IN PROJECT PLANS & SPECIFICATIONS:**


**1- On SAN JOSE VARIOUS STREETS RESURFACING AND  
REHABILITATION PROJECT Specifications (see attachment).**

**Replace Section 88 Engineering Fabrics, as shown on pages 253, 254, 255, 256  
with the attached Section 88 Engineering Fabrics.**

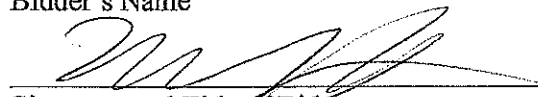
**INSTRUCTIONS:**

**The bidder must sign this addendum in the space provided below and return  
one signed copy with the bid.** Failure to return the signed copy with the bid  
document shall not relieve the bidder of the obligations to include this addendum to the  
bid proposal.

APPROVED BY:

  
Kevin O'Connor  
Deputy Director  
Department of Transportation

MCK Services Inc.  
Bidder's Name

  
Signature and Title of Bidder

7/30/09  
Date